

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GABRIEL FRANCIS

Plaintiff,

-against-

Civil Case No.:

COMPLAINT

PIONEER CREDIT RECOVERY, INC.,

Defendant(s).
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DEMAND FOR JURY TRIAL

Plaintiff GABRIEL FRANCIS ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C. by Edward B. Geller, Esq., P.C., Of Counsel, as and for its Complaint against the Defendant PIONEER CREDIT RECOVERY, INC., (hereinafter referred to as Defendant(s)), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff GABRIEL FRANCIS is a resident of the State of New York, residing at 178 Lott Street, Brooklyn, New York 11226.

3. Defendant PIONEER CREDIT RECOVERY INC., is a New York corporation engaged in the business of debt collection with its address at 26 Edward Street, Arcade, New York 14009.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 USC §1692 a (3).

5. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. Upon information and belief, on January 23rd, 2015 Defendant, left a message on the Plaintiff's phone 646. 938.1877.

10. The Defendant's message failed to include the required disclosures identifying themselves as a debt collectors or the name of the Defendant's company. Defendant asked for a call back from the Plaintiff and left a reference number of S22142.

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

11. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same

were set forth at length herein.

12. 15 USC §1692d(6) requires a debt collector identify themselves in all communications with a consumer.

13. Defendant violated 15 USC §1692d(6) by failing to provide the required identification of the name of their company in the message left for the Plaintiff on January 23rd, 2015.

14. 15 USC §1692 e(11) required a debt collector to disclose in all communications that they are a debt collector.

15. Defendant violated 15 USC §1692 e(11) by failing to provide the required disclosures that they are a debt collector in the message left by the Defendant on January 23rd, 2015.

16. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendant as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to


15 USC §1692k(a)(3);

E. A declaration that the Defendant's practices violated the FDCPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper

Dated: New York, New York
Feb. 21st, 2015

Respectfully submitted,

By: 
Edward B. Geller, Esq. (EG9763)
Edward B. Geller, Esq., P.C., Of Counsel to
M. HARVEY REPHEN & ASSOCIATES, P.C.
15 Landing Way
Bronx, New York 10464
Phone: (914)473-6783

Attorney for the Plaintiff GABRIEL FRANCIS

To: PCR, Inc.
26 Edward Street,
Arcade, New York 14009.

(Via Prescribed Service)

Clerk,
United States District Court, Eastern of New York

(For Filing Purposes)

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